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Docket No. 74768-BAA-PCT-US/JPW/GJG

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael Wayne Graham and Robert Norman Rice

Serial No.: 10/821,710 Group Art Unit: 1635

Filed : April 8, 2004 Examiner: R. Schnizer, Ph.D.

For : CONTROL OF GENE EXPRESSION

1185 Avenue of the Americas
New York, New York 10036
July 12, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Final Office Action mailed January 12, 2007 finally rejecting claims 44, 77-141 in the above-identified application.

Applicants are concurrently on July 12, 2007 filing a response to the January 12, 2007 Final Office Action and a Petition for a Three-Month Extension of Time. With this three-month extension of time the deadline for taking further action is July 12, 2007. Accordingly, this Notice of Appeal is being timely filed.

The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) is FIVE HUNDRED DOLLARS (\$500.00), and a check for this amount is enclosed.

Applicants: Michael Wayne Graham and Robert Norman Rice
Serial No.: 10/821,710
Filing Date: April 8, 2004
Page 2

No fee, other than the enclosed \$500.00 fee for filing a Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Gary J. Gershik

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gary J. Gershik 7/12/07
John P. White Date
Reg. No. 28,678
Gary J. Gershik
Reg. No. 39,992

John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400